

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

JAMES M. ELBERT III

PETITIONER

V.

NO: 2:19CV00114 JM/PSH

**DWAYNE HENDRIX, Warden,
FCC Forrest City**

RESPONDENT

ORDER

The Court has received proposed Findings and Recommendations from Magistrate Judge Patricia S. Harris. No objections have been filed. After careful review, the Court concludes that the Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects. Judgment will be entered accordingly.

Pursuant to 28 U.S.C. § 2253 and Rule 11 of the Rules Governing Section 2554 Cases in the United States District Court, the Court must determine whether to issue a certificate of appealability in the final order. In § 2254 cases, a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). The Court finds no issue on which petitioner has made a substantial showing of a denial of a constitutional right. Thus, the certificate of appealability is denied.

IT IS SO ORDERED this 19th day of November, 2019.



UNITED STATES DISTRICT JUDGE